

Mail Stop Interference
P.O. Box 1450
Alexandria, VA 22313-1450
Tel: 571-272-4683
Fax: 571-273-0042

Paper 1
Filed: 24 May 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

RICHARD W. ARNOLD, WELDON BEARDAIN,
DANIEL W. PREVEDEL, DONALD E. RILEY
and LESTER L. WILSON
Junior Party
(Application 09/164,580),

v.

CURTIS NATHAN POTTER
Senior Party
(Patent 6,028,437).

Patent Interference No. 105,752 (SCM)
(Technology Center 2800)

DECLARATION -Bd.R. 203(b)¹

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 **Part A. Declaration of interference**

2 An interference is declared (35 U.S.C. § 135(a)) between the above-
3 identified parties. Details of the application(s), patent (if any), reissue
4 application (if any), count(s) and claims designated as corresponding or as
5 not corresponding to the count(s) appear in Parts E and F of this
6 DECLARATION.

7 **Part B. Judge managing the interference**

8 Administrative Patent Judge Sally C. Medley has been designated to
9 manage the interference. Bd.R. 104(a).

10 **Part C. Standing order**

11 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies
12 this DECLARATION. The STANDING ORDER applies to this
13 interference.

14 **Part D. Initial conference call**

15 A telephone conference call to discuss the interference is set for **1:00**
16 **p.m. on 20 July 2010** (the Board will initiate the call).

17 No later than **four business days** prior to the conference call, each
18 party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions
19 (Bd.R. 120; Bd.R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

20 A sample schedule for taking action during the motion phase appears
21 as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss
22 the schedule prior to the conference call and to agree on dates for taking
23 action. A typical motion period lasts approximately eight (8) months.
24 Counsel should be prepared to justify any request for a shorter or longer
25 period.

1 **Part E. Identification and order of the parties**

2 Junior Party

3 Named Inventors: RICHARD W. ARNOLD, McKinney, TX
4 WELDON BEARDAIN, Denison, TX
5 DANIEL W. PREVEDEL, Fort Collins, CO
6 DONALD E. RILEY, Midland, TX
7 LESTER L. WILSON, Sherman, TX

8 Involved Application: 09/164,580, filed 01 Oct. 1998

9 Title: Known Good Die Using Existing Process
10 Infrastructure

11 Assignee: Texas Instruments, Inc.

12 Senior Party

13 Named Inventors: CURTIS NATHAN POTTER, Austin, TX

14 Involved Patent: 6,028,437, issued 22 Feb. 2000, based on
15 Application 08/858,107, filed 19 May 1997

16 Title: Probe Head Assembly

17 Assignee: SI Diamond Technology, Inc.

18 The senior party is assigned exhibit numbers 1001-1999. The junior
19 party is assigned exhibit numbers 2001-2999. Bd.R. 154(c)(1); SO
20 ¶ 154.2.1. The senior party is responsible for initiating settlement
21 discussions. SO ¶ 126.1.

1 **Part F. Count and claims of the parties**

2 Count 1

3 Claim 22 of Arnold's Application 09/164,580

4 or

5 Claim 1 of Potter's U.S. Patent 6,028,437

6

7 The claims of the parties are:

8 Arnold: 1-4, 9-10, 13-14, 22-27² and 29-31

9 Potter: 1-11

10 The claims of the parties which correspond to Count 1 are:

11 Arnold: 1-4, 9-10, 13-14, 22-27 and 29-31

12 Potter: 1-11

13 The claims of the parties which do not correspond to Count 1, and
14 therefore are not involved in the interference, are:

15 Arnold: none

16 Potter: none

17

18 The parties are accorded the following benefit for Count 1:

19 Arnold: Provisional Application 60/060,800,
20 filed 03 Oct. 1997

21 Potter: none

² The 18 May 2009 listing of claims, indicates that claim 27 depends on claim "26 4." The Board understands that claim 27 depends on claim 26 and not claim 4.

1 **Part G. Heading to be used on papers**

2 The following heading must be used on all papers filed in this
3 interference, see SO ¶ 106.1.1:

4 UNITED STATES PATENT AND TRADEMARK OFFICE

5

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12 and LESTER L. WILSON
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14 (Application 09/164,580),
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16 v.

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18 CURTIS NATHAN POTTER
19 Senior Party
20 (Patent 6,028,437).
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24 Patent Interference No. 105,752 (SCM)
25 (Technology Center 2800)
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1 Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

6 /Sally C. Medley/
7 Administrative Patent Judge

8 Enc:
9 Form PTO-850
10 Copy of STANDING ORDER
11 Copy of U.S. Patent 6,028,437
12 Copy of claims of Application 09/164,580

13 cc (via overnight UPS):

14 Attorney for Arnold:

15 Texas Instruments Incorporated
16 7839 Church Hill Way
17 M/S 3999
18 Dallas, TX 75219

20 Attorney for Potter:

21 Matheson/Keys PLLC
22 7004 Bee Cave Rd.
23 Austin, TX 78746